

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 25

Introduced by Senator Padilla

December 1, 2008

An act to add Article 4 (commencing with Section 40520) to Chapter 3 of Part 1 of Division 30 of the Public Resources Code, relating to An act to amend Sections 41780, 44009, 45014, 45024, and 48000 of, to add Sections 40142, 41780.01, and 41826 to, and to add Chapter 12.8 (commencing with Section 42649) to Part 3 of, Chapter 2.7 (commencing with Section 48300) to Part 7 of, and Chapter 8 (commencing with Section 49700) to Part 8 of, Division 30 of, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 25, as amended, Padilla. Solid ~~waste~~: ~~diversion~~: waste.

The

(1) *The California Integrated Waste Management Act of 1989, which is administered by the California Integrated Waste Management Board, requires each city, county, and regional agency, if any, to develop a source reduction and recycling element of an integrated waste management plan containing specified components. The source reduction and recycling element of that plan is required to divert 50% of all solid waste from landfill disposal or transformation by January 1, 2000, through source reduction, recycling, and composting activities.*

This bill would require the board, by July 1, _____, to develop a strategic and comprehensive plan to achieve, on or before January 1, _____, a diversion rate of 75% of solid waste statewide from landfill disposal or transformation.

~~The bill would require the board to adopt policies, programs, and incentives to ensure that on or before December 21, _____, 60% of all solid waste generated in the state is source reduced, recycled, or composted and to ensure that on or before January 1, _____, and annually thereafter, 75% of all solid waste generated is source reduced, recycled, or composted.~~

This bill would require a jurisdiction, for each subsequent revision of the element, to divert 60% of all solid waste on and after January 1, 2015, through source reduction, recycling, and composting activities, thereby imposing a state-mandated local program by imposing new duties on local agencies regarding solid waste.

The bill would provide that the state's waste reduction target is to divert 75% of solid waste, on and after January 1, 2020, through source reduction, recycling, and composting activities.

(2) The act requires the board to determine whether a jurisdiction has been making a good faith effort to implement its source reduction and recycling element and household hazardous waste element in specified circumstances. The act specifies information that the board is required to consider in making that determination.

This bill would require the board additionally to consider the jurisdiction's efforts in diverting organic material from disposal or deposit in solid waste landfills.

(3) The act defines various terms for purposes of the act.

This bill additionally would define "illegal dumping" for purposes of the act, to mean the act of disposing of solid waste at a location that is not a permitted solid waste disposal facility or is not otherwise authorized for the disposal of solid waste pursuant to the act or regulations adopted by the board.

(4) The act authorizes a local governmental agency to determine aspects of solid waste handling that are of local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and the nature, location, and extent of providing solid waste handling services.

This bill would require the board, by January 1, 2011, to adopt a model ordinance that establishes an enforcement program for residential refuse service providers. A city or county would be authorized but not required to adopt the board's model ordinance.

The bill would authorize the board to establish an illegal dumping prevention program to provide grants or loans to public agencies to fund the development of new, or the expansion of existing,

comprehensive local illegal dumping programs. The board would be authorized to expend moneys in the Integrated Waste Management Account and other funds, as appropriate, upon appropriation by the Legislature, for the purposes of providing the grants and loans.

(5) The act requires the board to concur in or object to the issuance, modification, or revision of a solid waste facilities permit within 60 days from the date of the board's receipt of a proposed solid waste facilities permit from an enforcement agency. If the board does not concur or object during that period, the board generally is deemed to have concurred in the issuance of the permit. Upon making certain determinations, the board is required to object to the permit and submit those objections to the enforcement agency.

This bill would instead require that the board object to a proposed permit, in writing, within 60 days, or 90 days under specified circumstances, or the board would be deemed to have concurred in the issuance of the permit. The bill would require, if the board makes certain determinations requiring an objection, that the board submit the basis for the objection to the enforcement agency within 15 days after the board's determination.

(6) The act requires each operator of a disposal facility to pay a quarterly fee to the State Board of Equalization that is based on the amount of all solid waste disposed of at each disposal site. The amount of the fee is established by the California Integrated Waste Management Board at an amount that is sufficient to generate revenues equivalent to the approved budget for that fiscal year, including a prudent reserve, but is prohibited from exceeding \$1.40 per ton.

This bill would require the fee to be equal to \$2.13 per ton, on and after January 1, 2012, and require the California Integrated Waste Management Board to adjust the fee not more than once every 2 years to reflect increases or decreases in the cost of living during the prior 2 fiscal years.

(7) The bill would require the owner or operator of a business that contracts for solid waste services and generates more than 4 cubic yards of total solid waste and recyclable materials that are not solid waste, per week, to arrange for recycling services applicable to the collection, handling, or recycling of solid waste, to the extent the services are offered and reasonably available from a local service provider.

The bill also would require each city, county, solid waste authority, or other joint powers authority located in a county with a population

of 200,000 or more to adopt a commercial recycling ordinance, as specified, thereby imposing a state-mandated local program by imposing new duties on local agencies with regard to solid waste.

(8) This bill would also make technical, nonsubstantive changes to the act.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The responsibility for solid waste management is a shared
4 responsibility between the state and local governments and the
5 state should exercise this responsibility in a manner that ensures
6 an effective and coordinated approach to the safe management of
7 all solid waste generated within the state and shall oversee the
8 design and implementation of local integrated waste management
9 plans.

10 (b) It is the policy of the state to assist local governments in
11 minimizing duplication of effort, and in minimizing the costs
12 incurred, in implementing Division 30 (commencing with Section
13 40000) of the Public Resources Code through the development of
14 regional cooperative efforts and other mechanisms that comply
15 with that division.

16 (c) Market development is the key to successful and cost-effective
17 implementation of the 25-percent and 50-percent diversion
18 requirements in Section 41780 of the Public Resources Code, and
19 the state should take a leadership role, pursuant to Chapter 1
20 (commencing with Section 42000) of Part 3 of Division 30 of the
21 Public Resources Code, in encouraging the expansion of markets
22 for recycled products by working cooperatively with the public,
23 private, and nonprofit sectors.

1 (d) *Illegal dumping abatement, enforcement, and public*
2 *awareness programs should be included among the services*
3 *provided by state and local integrated waste management*
4 *programs, and the state should coordinate illegal dumping*
5 *programs.*

6 SEC. 2. *Section 40142 is added to the Public Resources Code,*
7 *to read:*

8 40142. *“Illegal dumping” means the act of disposing of solid*
9 *waste at a location that is not a permitted solid waste disposal*
10 *facility or that is not otherwise authorized for the disposal of solid*
11 *waste pursuant to this division or regulations adopted by the board.*

12 SEC. 3. *Section 41780 of the Public Resources Code is*
13 *amended to read:*

14 41780. (a) ~~Each city or county jurisdiction’s~~ *source reduction*
15 *and recycling element shall include an implementation schedule*
16 *that shows both of the following:*

17 (1) ~~For the initial element, the city or county jurisdiction shall~~
18 ~~divert 25 percent of all solid waste from landfill disposal or~~
19 ~~transformation by January 1, 1995, through source reduction,~~
20 *recycling, and composting activities.*

21 (2) ~~Except as provided in Sections 41783, and 41784, and~~
22 ~~41785, for the first and each subsequent revision of the element,~~
23 ~~the city or county jurisdiction shall divert 50 percent of all solid~~
24 ~~waste on and after January 1, 2000, through source reduction,~~
25 *recycling, and composting activities.*

26 (3) ~~Except as provided in Sections 41783 and 41784, for each~~
27 ~~subsequent revision of the element, the jurisdiction shall divert 60~~
28 ~~percent of all solid waste on and after January 1, 2015, through~~
29 *source reduction, recycling, and composting activities.*

30 (b) ~~Nothing in this part prohibits a city or county. This section~~
31 *does not prohibit a jurisdiction from implementing source*
32 *reduction, recycling, and composting activities designed to exceed*
33 *these the requirements of this division.*

34 SEC. 4. *Section 41780.01 is added to the Public Resources*
35 *Code, to read:*

36 41780.01. *Except as provided in Sections 41783 and 41784,*
37 *the state’s waste reduction target is to divert 75 percent of solid*
38 *waste, on and after January 1, 2020, through source reduction,*
39 *recycling, and composting activities.*

1 *SEC. 5. Section 41826 is added to the Public Resources Code,*
2 *to read:*

3 *41826. For purposes of determining pursuant to Section 41825*
4 *whether a jurisdiction has made a good faith effort, the board, in*
5 *addition to the criteria required by that section, shall also consider*
6 *the jurisdiction's efforts to divert organic material from disposal*
7 *or deposit in solid waste landfills.*

8 *SEC. 6. Chapter 12.8 (commencing with Section 42649) is*
9 *added to Part 3 of Division 30 of the Public Resources Code, to*
10 *read:*

11
12 *CHAPTER 12.8. COMMERCIAL RECYCLING*
13

14 *42649. (a) The owner or operator of a business that contracts*
15 *for solid waste services and generates more than four cubic yards*
16 *of total solid waste and recyclable materials that are not solid*
17 *waste, per week, shall arrange for recycling services applicable*
18 *to the collection, handling, or recycling of solid waste, to the extent*
19 *that these services are offered and reasonably available from a*
20 *local service provider.*

21 *(b) By January 1, 2012, each city, county, solid waste authority,*
22 *or other joint powers authority located within a county with a*
23 *population of 200,000 or more shall adopt a commercial recycling*
24 *ordinance that is consistent with this section.*

25 *(c) A commercial recycling ordinance adopted pursuant to this*
26 *section shall include, at a minimum, both of the following:*

27 *(1) Enforceable requirements that a business described in*
28 *subdivision (a) take one of the following actions:*

29 *(A) Source separate specified recyclable materials from solid*
30 *waste and subscribe to a basic level of recycling service that*
31 *includes the collection of those recyclable materials or specific*
32 *provisions for authorized self-hauling.*

33 *(B) Subscribe to an alternative type of recycling service, which*
34 *may include mixed waste processing that yields diversion results*
35 *comparable to source separation.*

36 *(2) Educational, implementation, and enforcement provisions.*

37 *(d) For the purposes of this section, "business" means a*
38 *commercial entity operated by a firm, partnership, proprietorship,*
39 *joint stock company, corporation, or association that is organized*
40 *for profit or nonprofit, and multifamily housing.*

1 (e) *This section does not limit the authority of a local agency*
2 *to adopt, implement, or enforce a local commercial recycling*
3 *ordinance that is more stringent or comprehensive than the*
4 *requirements of this section or limit the authority of a local agency*
5 *in a county with a population of less than 200,000 to require*
6 *commercial recycling.*

7 (f) *This section does not modify or abrogate in any manner*
8 *either of the following:*

9 (1) *A franchise granted or extended by a city, county, or other*
10 *local government agency immediately preceding January 1, 2011.*

11 (2) *A contract, license, or permit to collect solid waste*
12 *previously granted or extended by a city, county, or other local*
13 *government agency in effect immediately preceding January 1,*
14 *2011.*

15 (g) (1) *When adopting an ordinance pursuant to this section,*
16 *a local agency may consider the adequacy of areas for collecting*
17 *and loading recyclable materials.*

18 (2) *Notwithstanding paragraph (1), a local agency shall not*
19 *consider the adequacy of areas for collecting and loading*
20 *recyclable materials for purposes of not complying with this section*
21 *at a development project, as defined pursuant to Section 42905,*
22 *if the development project was approved by the local agency on*
23 *or after September 1, 1994.*

24 SEC. 7. *Section 44009 of the Public Resources Code is*
25 *amended to read:*

26 44009. (a) (1) ~~The~~ *Except as provided in paragraph (4), the*
27 *board shall, in writing, concur in or object to the issuance,*
28 *modification, or revision of ~~any~~ a solid waste facilities permit*
29 *within 60 days from the date of the board's receipt of ~~any~~ the*
30 *proposed solid waste facilities permit submitted under Section*
31 *44007, as part of the complete and correct permit package that*
32 *conforms with this division and the regulations adopted pursuant*
33 *to this division, as determined by the board, after consideration of*
34 *the issues in this section.*

35 (2) *If the board determines that the proposed permit is not*
36 *consistent with the state minimum standards adopted pursuant to*
37 *Section 43020, or is not consistent with Sections 43040, 43600,*
38 *44007, 44010, 44017, 44150, and 44152 or Division 31*
39 *(commencing with Section 50000), the board shall object to*
40 *provisions of the proposed permit and shall submit those the basis*

1 *for its objections to the local enforcement agency, within 15 days*
2 *after the board's determination for its consideration.*

3 (3) If the board fails to ~~concur or~~ object to the proposed permit
4 in writing within the 60-day period specified in paragraph (1) or
5 the 90-day period specified in paragraph (4), whichever is
6 applicable, the board shall be deemed to have concurred in the
7 issuance of the proposed permit as submitted to it by operation of
8 law.

9 (4) If the board does not have a full 60 days to review a
10 proposed permit because of the board's schedule of meetings, the
11 board shall object, in writing, to the issuance, modification, or
12 revision of the permit within 90 days from the date of the board's
13 receipt of the proposed solid waste facilities permit submitted
14 pursuant to Section 44007, as part of a complete and correct permit
15 package that conforms with this division and the regulations
16 adopted pursuant to this division, as determined by the board.

17 (b) Notwithstanding subdivision (a), the board is not required
18 to concur in, or object to, and shall not be deemed to have
19 concurred in, the issuance of a solid waste facilities permit for a
20 disposal facility if the owner or operator is not in compliance with,
21 as determined by the regional water board, an enforcement order
22 issued pursuant to Chapter 5 (commencing with Section 13300)
23 of Division 7 of the Water Code, or if all of the following
24 conditions exist:

25 (1) Waste discharge requirements for the disposal facility issued
26 by the applicable regional water board are pending review in a
27 petition before the state water board.

28 (2) The petition for review of the waste discharge requirements
29 includes a request for a stay of the waste discharge requirements.

30 (3) The state water board has not taken action on the stay request
31 portion of the pending petition for review of waste discharge
32 requirements.

33 (c) In objecting to the issuance, modification, or revision of ~~any~~
34 a proposed solid waste facilities permit pursuant to this section,
35 the board shall, based on substantial evidence in the record as to
36 the matter before the board, state its reasons for objecting. The
37 board shall not object to the issuance, modification, or revision of
38 ~~any~~ a proposed solid waste facilities permit unless the board finds
39 that the permit is not consistent with the state minimum standards
40 adopted pursuant to Section 43020, or is not consistent with Section

1 43040, 43600, 44007, 44010, 44017, 44150, or 44152 or Division
2 31 (commencing with Section 50000).

3 (d) Nothing in this section is intended to require that a solid
4 waste facility obtain a waste discharge permit from a regional
5 water board prior to obtaining a solid waste facilities permit.

6 *SEC. 8. Section 45014 of the Public Resources Code is*
7 *amended to read:*

8 45014. (a) Upon the failure of a person to comply with a final
9 order issued by a local enforcement agency or the board, the
10 Attorney General, upon request of the board, shall petition the
11 superior court for the issuance of a preliminary or permanent
12 injunction, or both, as may be appropriate, restraining the person
13 ~~or persons~~ from continuing to violate the order or complaint.

14 (b) An attorney authorized to act on behalf of the local
15 enforcement agency or the board may petition the superior court
16 for injunctive relief to enforce this part, a term or condition in a
17 solid waste facilities permit, or a standard adopted by the board
18 or the local enforcement agency.

19 (c) In addition to the administrative imposition of civil penalties
20 pursuant to this part, Article 6 (commencing with Section 42850)
21 of Chapter 16 of Part 3, and Article 4 (commencing with Section
22 42962) of Chapter 19 of Part 3, an attorney authorized to act on
23 behalf of the local enforcement agency or the board may apply, to
24 the clerk of the appropriate court in the county in which the civil
25 penalty was imposed, for a judgment to collect the penalty. The
26 application, which shall include a certified copy of the decision or
27 order in the civil penalty action, constitutes a sufficient showing
28 to warrant issuance of the judgment. The court clerk shall enter
29 the judgment immediately in conformity with the application. The
30 judgment so entered shall include the amount of the court filing
31 fee that would have been due from an applicant who is not a public
32 agency, and has the same force and effect as, and is subject to all
33 the provisions of law relating to, a judgment in a civil action, and
34 may be enforced in the same manner as any other judgment of the
35 court in which it is entered. ~~The if the~~ amount of the unpaid court
36 filing fee ~~shall be~~ is paid to the court prior to satisfying any of the
37 civil penalty amount. Thereafter, ~~any a~~ civil penalty or judgment
38 recovered shall be paid, to the maximum extent allowed by law,
39 to the board or to the local enforcement agency, whichever is
40 represented by the attorney who brought the action.

1 *SEC. 9. Section 45024 of the Public Resources Code is*
2 *amended to read:*

3 45024. ~~Any~~An attorney authorized to act on behalf of the board
4 or a local enforcement agency may petition the superior court to
5 impose, assess, and recover the civil penalties authorized by
6 Section 45023. ~~Any penalties~~ Penalties recovered pursuant to this
7 section shall be paid, to the maximum extent allowed by law, to
8 the board or to the local enforcement agency, whichever is
9 represented by the attorney bringing the action.

10 *SEC. 10. Section 48000 of the Public Resources Code is*
11 *amended to read:*

12 48000. (a) ~~Each~~An operator of a disposal facility shall pay a
13 fee quarterly to the State Board of Equalization ~~which that~~ is based
14 on the amount, by weight or volumetric equivalent, as determined
15 by the board, of all solid waste disposed of at each disposal site.

16 (b) ~~The fee for solid waste disposed of shall be one dollar and~~
17 ~~thirty-four cents (\$1.34) per ton. Commencing with the 1995-96~~
18 ~~fiscal year~~ Until December 31, 2011, the amount of the fee shall
19 be established by the board at an amount that is sufficient to
20 generate revenues equivalent to the approved budget for that fiscal
21 year, including a prudent reserve, but ~~the fee~~ shall not exceed one
22 dollar and forty cents (\$1.40) per ton.

23 ~~(e) The board shall notify the State Board of Equalization on~~
24 ~~the first day of the period in which the rate shall take effect of any~~
25 ~~rate change adopted pursuant to this section.~~

26 (c) (1) On and after January 1, 2012, the amount of the fee
27 shall equal two dollars and thirteen cents (\$2.13) per ton, except
28 the board shall adjust the fee not more than once every two years
29 to reflect increases or decreases in the cost of living during the
30 prior two fiscal years as measured by the California Consumer
31 Price Index issued by the Department of Industrial Relations or a
32 successor agency.

33 (2) The board shall notify the State Board of Equalization on
34 the first day of the period in which a rate adjustment made by the
35 board pursuant to this section shall take effect.

36 (d) The board and the State Board of Equalization shall ensure
37 that all the fees for solid waste imposed pursuant to this section
38 that are collected at a transfer station are paid to the State Board
39 of Equalization in accordance with this article.

1 *SEC. 11. Chapter 2.7 (commencing with Section 48300) is*
2 *added to Part 7 of Division 30 of the Public Resources Code, to*
3 *read:*

4
5 *CHAPTER 2.7. ILLEGAL DUMPING PREVENTION PROGRAM*
6 *DEVELOPMENT GRANT AND LOAN PROGRAM*
7

8 48300. *The board may establish an illegal dumping prevention*
9 *program to provide grants or loans to public agencies to fund the*
10 *development of new, or the expansion of existing, comprehensive*
11 *local illegal dumping programs for the purpose of reducing the*
12 *occurrence of illegal dumping in the state.*

13 48301. (a) *The board may expend moneys in the Integrated*
14 *Waste Management Account in the Integrated Waste Management*
15 *Fund and other funds as appropriate, upon appropriation by the*
16 *Legislature, for purposes of providing grants and loans pursuant*
17 *to Section 48300.*

18 (b) *The board may expend moneys, upon appropriation by the*
19 *Legislature, for program administration.*

20 (c) *All funds received from the operation of the program,*
21 *including, but not limited to, principal repayments, shall be*
22 *deposited in the fund and may be used for purposes authorized by*
23 *this chapter.*

24 48302. *Loans made pursuant to this chapter shall be subject*
25 *to all of the following requirements:*

26 (a) *The terms of any approved loan shall be specified in a loan*
27 *agreement between the borrower and the board.*

28 (b) *The board shall approve only those loan applications that*
29 *demonstrate the applicant's financial ability to repay the loan.*

30 (c) *The term of any loan made pursuant to this section shall not*
31 *exceed five years.*

32 (d) *The interest rate of any loan made pursuant to this section*
33 *may be zero percent.*

34 *SEC. 12. Chapter 8 (commencing with Section 49700) is added*
35 *to Part 8 of Division 30 of the Public Resources Code, to read:*

1 *CHAPTER 8. REFUSE SERVICE PROVIDER MODEL ORDINANCE*
2 *PROGRAM*

3
4 49700. *For purposes of this chapter, the following terms have*
5 *the following meanings:*

6 (a) *“Generator” means a person who disposes or arranges for*
7 *the disposal of solid waste generated by that person.*

8 (b) *“Refuse service provider” means a person that, for*
9 *compensation, accepts or collects solid waste incidental to cleanup*
10 *or delivery services, and transports that solid waste from a*
11 *residential, commercial, or industrial location, for the purpose of*
12 *subsequent recycling, transfer, or disposal of that solid waste.*
13 *“Residential refuse service provider” does not include a public*
14 *agency or franchise hauler that transports solid waste in*
15 *accordance with a franchise agreement with a local government*
16 *or other public agency.*

17 (c) *“Service provider” means a person that transports or*
18 *arranges for the transportation of solid waste.*

19 (d) *“Service vehicle” means a motor-propelled or self-propelled*
20 *vehicle that is used for transporting solid waste over the public*
21 *streets of unincorporated and incorporated areas of a county for*
22 *compensation, regardless of whether the operations of that vehicle*
23 *extend beyond the boundaries of the county.*

24 49702. (a) *On or before January 1, 2011, the board shall*
25 *adopt a model ordinance that establishes an enforcement program*
26 *for residential refuse service providers. The model ordinance may*
27 *include, but shall not be limited to, the following elements:*

28 (1) *Registration requirements for refuse service providers.*

29 (2) *Standards for inspection of service vehicles.*

30 (3) *Penalties for noncompliance and other enforcement*
31 *mechanisms.*

32 (4) *Administrative hearing procedures for appeals of*
33 *enforcement actions.*

34 (5) *Requirements for service vehicles relating to safety,*
35 *cleanliness, and signage.*

36 (6) *Standards for providing receipts of service.*

37 (7) *Local funding mechanisms.*

38 (b) *The board shall post the model ordinance described in*
39 *subdivision (a) on its Internet Web site.*

1 (c) A city or county may, but is not required to, adopt the model
2 ordinance described in this section.

3 SEC. 13. No reimbursement is required by this act pursuant
4 to Section 6 of Article XIII B of the California Constitution because
5 a local agency or school district has the authority to levy service
6 charges, fees, or assessments sufficient to pay for the program or
7 level of service mandated by this act, within the meaning of Section
8 17556 of the Government Code.

9 SECTION 1. ~~Article 4 (commencing with Section 40520) is~~
10 ~~added to Chapter 3 of Part 1 of Division 30 of the Public Resources~~
11 ~~Code, to read:~~

12
13 Article 4. Statewide Diversion
14

15 ~~40520. The Legislature finds and declares all of the following:~~

16 ~~(a) Since the enactment of this division, local governments and~~
17 ~~private industry have worked jointly to create an extensive material~~
18 ~~collection and recycling infrastructure and have implemented~~
19 ~~effective programs to achieve a statewide diversion rate above 50~~
20 ~~percent.~~

21 ~~(b) Although the state now leads the nation in waste reduction~~
22 ~~and recycling, the state continues to dispose of more than 40~~
23 ~~million tons of waste each year, which is more than the national~~
24 ~~average on a per capita basis.~~

25 ~~(c) To meet the goals of the California Global Warming~~
26 ~~Solutions Act of 2006 (Division 25.5 (commencing with Section~~
27 ~~38500) of the Health and Safety Code), there is an urgent need to~~
28 ~~reduce greenhouse gas emissions from all aspects of solid waste~~
29 ~~handling through increased source reduction, reuse, and recycling.~~

30 ~~(d) The purpose of this article is to build on the successful efforts~~
31 ~~of local governments and private industry to achieve a statewide~~
32 ~~diversion rate of 75 percent by January 1, _____, through strategic~~
33 ~~statewide initiatives developed and implemented by the board.~~

34 ~~40521. On or before July 1, _____, the board shall develop a~~
35 ~~strategic and comprehensive plan to achieve, on or before January~~
36 ~~1, _____, a diversion rate of 75 percent of solid waste statewide~~
37 ~~from landfill disposal or transformation. The plan developed by~~
38 ~~the board shall include all of the following:~~

39 ~~(a) Place primary emphasis on programs that minimize the~~
40 ~~generation of solid waste, maximize diversion from landfills, and~~

1 manage materials to ensure their highest and best use in accordance
2 with the waste management hierarchy specified in Section 40051
3 and in support of the California Global Warming Solutions Act of
4 2006 (Division 25.5 (commencing with Section 38500) of the
5 Health and Safety Code).

6 (b) ~~Include specific statewide strategies for promoting producer~~
7 ~~responsibility, increasing commercial recycling, expanding the~~
8 ~~recovery of construction and demolition debris, increasing the~~
9 ~~diversion of organics, and increasing recycling opportunities for~~
10 ~~multifamily housing.~~

11 (c) ~~Identify opportunities to update and expand the source~~
12 ~~reduction and recycling elements of the local integrated waste~~
13 ~~management plans prepared pursuant to Chapter 2 (commencing~~
14 ~~with Section 41000) or Chapter 3 (commencing with Section~~
15 ~~41300) of Part 2, to include cost-effective opportunities to advance~~
16 ~~waste management practices that increase diversion and reduce~~
17 ~~greenhouse gas emissions.~~

18 (d) ~~Include specific strategies to enable each state agency to~~
19 ~~achieve a diversion rate of 75 percent on or before January 1, ____~~
20 ~~:~~

21 (e) ~~Identify incentives, investments, and environmentally sound~~
22 ~~processing technologies that are necessary to achieve a diversion~~
23 ~~rate of 75 percent.~~

24 40522. ~~The board shall adopt policies, programs, and incentives~~
25 ~~to ensure that solid waste generated in this state is source reduced,~~
26 ~~recycled, or composted, in accordance with the following schedule:~~

27 (a) ~~On or before December 21, ____, ensure that 60 percent of~~
28 ~~all solid waste generated is source reduced, recycled, or composted.~~

29 (b) ~~On or before January 1, ____, and annually thereafter, ensure~~
30 ~~that 75 percent of all solid waste generated is source reduced,~~
31 ~~recycled, or composted.~~